

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CEDRIC R. PUGH, #182373, )  
Plaintiff, )  
v. ) CIVIL ACTION NO. 2:06-CV-363-MEF  
BUTCH CALLAWAY, et al., ) [WO]  
Defendants. )

## RECOMMENDATION OF THE MAGISTRATE JUDGE

Cedric R. Pugh ["Pugh"], a former state inmate, filed this 42 U.S.C. § 1983 action in which he sought relief for an injury to his finger while working for the Alabama Correctional Industries. Subsequently, the court deemed it necessary to determine whether Pugh sought to continue prosecution of this cause of action and therefore entered an order requiring that on or before August 15, 2008 he "advise the court of whether he seeks to proceed on his claims for relief." *Order of August 6, 2008 - Court Doc. No. 50.* The court specifically cautioned Pugh that his "fail[ure] to file a response to this order" would result in entry of a recommendation "that this case be dismissed." *Id.* at 2. As of the present date, Pugh has failed to file a response to the aforementioned order. The court therefore concludes that this case should be dismissed.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed for the plaintiff's failure to prosecute this action in accordance with the directives of the orders entered in this case.

It is further

ORDERED that on or September 8, 2008 the parties may file objections to the Recommendation. Any objection must specifically identify the findings in the Recommendation objected to. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings in the Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11<sup>th</sup> Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11<sup>th</sup> Cir. 1981, en banc), adopting as binding precedent all decisions of the former Fifth Circuit issued prior to September 30, 1981.

Done this 25th day of August, 2008.

/s/ Wallace Capel,Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE